

1966 No. 791

4240

FOOD AND DRUGS

**The Food Hygiene (Markets, Stalls and Delivery Vehicles)
Regulations 1966**

<i>Made</i>	- - -	29th June 1966
<i>Laid before Parliament</i>		7th July 1966
<i>Coming into Operation</i>		1st January 1967

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 13 and 123 of the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of that Act, hereby make the following regulations:—

PART I

PRELIMINARY

Title and commencement

1. These regulations may be cited as the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966, and shall come into operation on 1st January 1967.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs Act 1955;

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority;

“catering business” means a food business consisting wholly or partly of the supply of food intended by the supplier for immediate consumption;

“certificate of exemption”, in relation to a food business, means a certificate for the time being in force in relation to the business for the purposes of regulation 24;

“container” includes any basket, pail, tray, box or other receptacle of any kind, whether open or closed;

“contamination” includes contamination by odour, and “contaminating” shall be construed accordingly;

“delivery vehicle” means a vehicle used for the delivery of food in the course of a trade or business, but does not include any vehicle which, being used for the sale of food, falls within the definition of “stall”;

“Docks and Carriers Regulations” means the Food Hygiene (Docks, Carriers, etc.) Regulations 1960(a);

“equipment” includes apparatus, furnishings and utensils;

“fish” means uncooked fish (including cured or smoked fish) and includes uncooked whalemeat, and in regulation 12, but not elsewhere in these regulations, includes fish which has been cooked or otherwise prepared for sale by any similar process;

“food” means food intended for sale or sold for human consumption and includes drink, chewing-gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(a) milk, cream or separated milk, other than dried milk and condensed milk,

(b) water, live animals or birds, or

(c) articles or substances used only as drugs;

“food business” means any trade or business, carried on from a market or stall, for the purposes of which any person engages in the handling of food, but does not include—

(a) any agricultural activity as defined in regulation 3(3) of the General Regulations, or

(b) so much of any trade or business as consists of the handling of food at any premises or place to which the General Regulations apply or listed in regulation 4 of the Docks and Carriers Regulations or any slaughterhouse as defined in regulation 2(1) of the Slaughterhouses (Hygiene) Regulations 1958(b);

“food room” means any room, being part of any market premises, in which any person engages in the handling of food for the purposes of a food business;

“General Regulations” means the Food Hygiene (General) Regulations 1960(c);

“local authority” means—

(a) as respects the City of London, the Common Council;

(b) as respects the Inner Temple and the Middle Temple, the respective overseers thereof; and

(c) as respects any borough and any urban district or rural district, the council of the borough or district;

“market” shall be construed generally and not as limited to a market held by virtue of a grant from the Crown or of prescription or under statutory authority;

“meat” means the flesh (including edible offal and fat) of animals and birds which is sold or intended for sale for human consumption;

“open food” means food which is not in a container of such materials and so closed as to exclude the risk of contamination, but does not include any food mentioned in column (1) of schedule 1 which, before being taken to any market or stall for purposes of sale or to any delivery vehicle for purposes of delivery, has been wrapped in the manner described opposite thereto in column (2);

(a) S.I. 1960/1602 (1960 II, p. 1515).
(c) S.I. 1960/1601 (1960 II, p. 1499).

(b) S.I. 1958/2168 (1958 I, p. 1182).



“permitted temperature ranges” means the ranges of temperature of below 50°F. (10°C.) and of not less than 145°F. (62.7°C.);

“premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with the building;

“preparation”, in relation to food, includes manufacture and any form of treatment, and “prepared” shall be construed accordingly;

“sanitary convenience” means a water closet, urinal, chemical closet or similar convenience;

“stall” includes any stand, marquee, tent, mobile canteen, vehicle (whether movable or not), vending machine, site or pitch, from which food is sold, not being food premises or a food room to which the General Regulations apply;

“vending machine” means a coin-operated automatic vending machine.

(2) In these regulations, unless the context otherwise requires, the handling of food means the carrying out or assisting in the carrying out for the purposes of a food business of any process or operation in the sale of food or in the preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food, and includes the cleaning of articles or equipment with which food comes into contact.

(3) For the purposes of these regulations, the supply of food otherwise than by sale at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly; and where in connection with any business in the course of which food is supplied the place where the food is served to the customers is different from the place where the food is consumed, both these places shall be deemed to be places in which food is sold.

(4) In determining for the purposes of these regulations whether any matter involves a risk of contamination to any food, regard shall be had to the extent to which contamination in the respect in question is immaterial because of—

(a) the nature of the food;

(b) the manner in which the food is packed; or

(c) any process to which the food is to be subjected before sale to the consumer, being a process to which food of that nature is normally so subjected.

(5) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

(6) Unless the context otherwise requires, references in these regulations to any enactment or regulations shall be construed as references thereto as amended by any subsequent enactment or regulations, including these regulations.

(7) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation or schedule of specified regulations, be construed as a reference to the regulation or schedule bearing that number in these regulations.

Enforcement

3. Each local authority shall enforce and execute the provisions of these regulations in their district.

(a) 52 & 53 Vict. c. 63.

PART II

GENERAL REQUIREMENTS

Food business not to be carried on from insanitary stalls or delivery vehicles

4. No food business shall be carried on at or from any stall which is insanitary or which is so situated or constructed, or is in such a condition, that the food is exposed to the risk of contamination; and in the course of a food business no delivery vehicle shall be used which is insanitary or which is so constructed, or is in such a condition, that the food is exposed to the risk of contamination.

Condition of land, vehicles, etc., used for sale or delivery of food

5.—(1) Every stall at or from which there is carried on any food business and every delivery vehicle which is used in the course of a food business shall be kept clean and in such good order, repair and condition as to enable it to be effectively cleaned.

(2) Where it is proposed to use any land or market premises or to erect or use any stall for the purpose of sale, storage, exposure for sale or deposit for sale of any food, any person or authority who provides the market or who permits the land to be used or the stall to be erected or used shall take account of the nature and packing of the food which is to be handled; and thereafter—

- (a) he shall not permit the land, stall or premises to be used for any of those purposes if they are in such a condition as to expose the food to the risk of contamination or prevent the observance of cleanly practices in handling the food;
- (b) he shall ensure that any land used for any of those purposes is kept clean; and
- (c) he shall ensure that any stall or premises so used are kept clean and in proper repair.

Cleanliness of equipment, etc.

6.—(1) Articles or equipment with which food comes into contact, or is liable to come into contact, in the course of a food business shall be kept clean and shall be so constructed, be of such materials and be kept in such good order, repair and condition as to—

- (a) enable them to be thoroughly cleaned, and
- (b) prevent, so far as is reasonably practicable, any matter being absorbed by them and any risk of contamination of the food.

(2) Without prejudice to the provisions of the preceding paragraph, all containers intended for containing food in the course of a food business, whether or not they come into contact, or are liable to come into contact, with food, shall so far as is reasonably practicable be protected and kept free from contamination.

(3) In determining for the purposes of this regulation whether any article or equipment is clean, regard shall be had to the nature and packing of the food for which the article or equipment is required and to the use which is made of the article or equipment.

PART III

REQUIREMENTS RELATING TO FOOD HANDLERS AND THE HANDLING OF FOOD

Food to be protected from risk of contamination

7. A person who engages in the handling of food shall, while so engaged, take all such steps as may be reasonably necessary to protect the food from the risk of contamination, and in particular (without prejudice to the generality of the foregoing)—

- (a) shall not so place the food as to involve any risk of contamination;
- (b) shall, before offering any food for sale, ensure that—
 - (i) any part of that food which is unfit for human consumption is removed, and
 - (ii) any food which is unfit for human consumption, unsound or unwholesome is kept apart from any other food;
- (c) shall not, in or about any forecourt, yard, market or stall, place any food lower than eighteen inches from the ground unless it is adequately protected from risk of contamination; and
- (d) shall ensure that open food is kept covered where reasonably necessary with a clean cover while exposed for sale and during sale or delivery;

Provided that paragraph (b) of this regulation shall not apply where food is intended to be sold by wholesale either by sample or description.

Personal cleanliness

8. A person who engages in the handling of food shall while so engaged—

- (a) keep as clean as may be reasonably practicable all parts of his person which are liable to come into contact with the food;
- (b) keep as clean as may be reasonably practicable all parts of his clothing or overclothing which are liable to come into contact with the food;
- (c) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;
- (d) refrain from spitting; and
- (e) refrain from the use of tobacco or any other smoking mixture or snuff while he is handling any open food or is in any food room in which there is open food.

Persons handling open food to wear overclothing, etc.

9. A person who engages in the handling of open food, other than raw vegetables, shall while so engaged wear sufficient clean and washable overclothing, and every person who carries meat which is open food and which is liable to come into contact with his neck or head shall, while so engaged, also wear a clean and washable head covering:

Provided that this regulation shall not apply—

- (a) to waiters in catering businesses;
- (b) in relation to the transport of food—
 - (i) by railway undertakers or
 - (ii) in the course of the business of a carrier (other than a railway

undertaker) in which the vehicle used for the transport of food is not ordinarily so used,

if in either case the person carrying the food takes all such other precautions as are reasonable and practicable to prevent the food from coming into contact with any exposed part of his person or with any clothing other than overclothing; or

(c) to any person so long as he is engaged only in the carrying of unskinned rabbits or hares or unplucked game or poultry.

Carriage and wrapping of food

10. A person who engages in the handling of food shall not while so engaged—

(a) carry any food in a vehicle or container together with any article from which there is a risk of contamination of the food, or with any live animal or live poultry, without taking all such precautions as are reasonably practicable to avoid risk of contamination, and in particular (without prejudice to the generality of the foregoing) shall not allow any live animal or live poultry to come into contact with any food; or

(b) use for wrapping or containing any open food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food, and shall not allow any printed material, other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables or unskinned rabbits or hares or unplucked game or poultry.

Persons suffering from certain infections

11.—(1) As soon as a person engaged in the handling of food becomes aware that he is suffering from or is the carrier of typhoid, paratyphoid or any other salmonella infection or dysentery or any staphylococcal infection likely to cause food poisoning, he shall inform the person carrying on the food business; and that person shall immediately notify the appropriate medical officer of health accordingly:

Provided that where the person required to give such information is himself the person carrying on the food business he shall give it to the appropriate medical officer of health immediately.

(2) For the purposes of this regulation, the appropriate medical officer of health is—

(a) in the case of a person engaged in the handling of food at or from market premises, the medical officer of health of the district in which the premises are situated; and

(b) in any other case, either the medical officer of health of the district in which the person resides or the medical officer of health of the district in which the food business is situated.

(3) For the purposes of the last foregoing paragraph, a food business which is carried on from a stall shall be deemed to be situated in the district in which the stall is for the time being standing.

Temperature at which certain foods are to be kept

12.—(1) The provisions of this regulation apply to all food consisting of meat, fish, gravy or imitation cream, or prepared from or containing any of those substances or any egg or milk, but do not apply to—

(a) bread, biscuits, cake or pastry by reason only of the use of egg or milk as an ingredient thereof introduced prior to baking;

- (b) chocolate or sugar confectionery;
- (c) ice-cream to which the provisions of any regulations with respect to heat treatment of ice-cream in force under section 4 of the Act apply;
- (d) food canned, bottled or otherwise preserved in an effectively closed container of metal, glass or other impermeable material, so long as the container remains effectively closed;
- (e) butter, margarine, lard, shortening, cooking fats or beef suet;
- (f) cheese, uncooked bacon, uncooked ham, dry pasta, dry pudding mixes, dry soup mixes or dry mixtures for the preparation of beverages; or
- (g) any unskinned rabbits or hares or unplucked game or poultry.

In this paragraph "egg" includes whole egg, yolk or albumen whether or not the egg, yolk or albumen is dried, frozen or otherwise preserved, and "milk" includes separated or skimmed milk, dried milk, condensed milk and cream.

(2) Subject to the provisions of this regulation, when food to which this regulation applies is brought to any stall or market premises on or from which there is carried on a catering business, it shall, if its temperature is not already within the permitted temperature ranges, be brought within those ranges without any avoidable delay after arrival.

(3) Subject to the provisions of this regulation, food which has been cooked or partly cooked at any such stall or market premises and food such as is mentioned in the last preceding paragraph shall either be kept at a temperature of not less than 145°F. (62·7°C.) until it is required for serving for immediate consumption, or if the temperature is brought or allowed to fall below 145°F. (62·7°C.) be cooled to a temperature below 50°F. (10°C.) under hygienic conditions as quickly as is reasonably practicable, and thereafter kept below 50°F. (10°C.) until it is required for serving or is further cooked or is reheated for service.

(4) This regulation shall not apply in relation to—

- (a) any food the temperature of which is outside the permitted temperature ranges, so long as—
 - (i) that temperature is reached only during any of the following processes, namely, the carrying out of some step in preparation, movement from one part of the stall or market premises to another, or loading and unloading, and
 - (ii) on completion of that process it is restored as quickly as possible to the permitted temperature ranges;
- (b) any food which is exposed for sale or which, if the food is brought to any such stall or market premises as are mentioned in paragraph (2) of this regulation within four hours before they are open for business, will be exposed for sale upon their being open for that purpose; or
- (c) any food which is kept available for the replenishment as it is sold of food of a similar kind which is exposed for sale or will be exposed for sale as aforesaid if the keeping available of such a supply is in accordance with good practice at a stall or market premises and the quantity so kept available is not greater than is reasonably necessary.

PART IV

REQUIREMENTS RELATING TO MARKETS AND STALLS AND DELIVERY VEHICLES

General requirements relating to stalls and delivery vehicles

13.—(1) Where a stall or delivery vehicle is used in the carrying on of a food business, it shall have displayed conspicuously and legibly upon it—

- (a) the name and address of the person carrying on that business, and
- (b) (except in the case of a vending machine) any other address at which it is kept or garaged, unless it bears a fleet number and is kept or garaged on that person's premises and the local authority is so notified.

(2) No stall or delivery vehicle when not in use shall be stored with any food except under arrangements where the food can be kept clean and free from contamination, and no stall (whether or not wholly or partially dismantled) or delivery vehicle shall be stored in any place liable to render it insanitary or incapable of being properly cleaned.

(3) No stall or delivery vehicle shall be used as a sleeping place, except that any driving compartment may be so used if there is a division effectively separating it from the compartment in which food is carried.

Sanitary conveniences

14.—(1) Every sanitary convenience situated in or regularly used in connection with any market or regularly used in connection with any stall shall be kept clean and in efficient order.

(2) Any room or other place which contains such a sanitary convenience shall be suitably and sufficiently lighted and ventilated and shall be kept clean.

(3) No room which contains a sanitary convenience shall be used as a food room.

(4) No food room which communicates directly with a room or other place which contains a sanitary convenience shall be used—

- (a) for the handling of open food, or
- (b) for the cleaning of equipment for use in any food business in the course of which open food is handled.

(5) There shall be fixed and maintained in a prominent and suitable position near every sanitary convenience provided or made regularly available for the use of persons engaged in the handling of food at or about a market or stall a clearly legible notice requesting persons to wash their hands after using the convenience.

Supply of water

15. Subject to the provisions of regulation 24 and of any certificate of exemption, a supply of clean and wholesome water sufficient in quantity to enable these regulations to be complied with shall be provided and maintained in connection with every market or stall at or from which a food business is carried on and every delivery vehicle.

Wash-hand basin to be provided

16.—(1) Subject to the provisions of regulation 24 and of any certificate of exemption, there shall be provided at every stall from which a food business is carried on and on every delivery vehicle suitable and sufficient wash-hand

basins for the use of all persons engaged in the handling of food on or about the stall or delivery vehicle, and such basins shall be maintained in a position conveniently accessible to those persons.

(2) Subject as aforesaid, there shall be provided and maintained for every such wash-hand basin an adequate supply of hot water at a suitably controlled temperature.

(3) At or near every wash-hand basin available for the use of such persons as are mentioned in paragraph (1) of this regulation, there shall be provided and maintained for the use of those persons adequate supplies of soap or other suitable detergent, nail brushes and clean towels or other suitable drying facilities, which shall be used only for securing the personal cleanliness of those persons.

(4) All wash-hand basins so available shall be kept clean and any working parts thereof shall be kept clean and in efficient working order.

First-aid materials to be provided

17. Subject to the provisions of regulation 24 and of any certificate of exemption, suitable and sufficient bandages, dressings (including waterproof dressings) and antiseptics for first-aid treatment shall be provided and maintained at every stall used in the course of a food business and on every delivery vehicle in a readily accessible position for the use of persons engaged in the handling of food on or about the stall or vehicle.

Facilities for washing and sorting food and equipment

18. Subject to the provisions of regulation 24 and of any certificate of exemption—

(a) there shall be provided and maintained at every stall from which a food business is carried on and on every delivery vehicle suitable and sufficient sinks or other facilities (not being wash-hand basins available for the purposes mentioned in regulation 16) for washing food and equipment used in the food business;

(b) there shall be provided and maintained for every such sink or other facility an adequate supply of either hot and cold water or of hot water at a suitably controlled temperature, except that a supply of cold water shall suffice—

(i) where the facility consists of apparatus designed for the washing of drinking vessels with a suitable bactericidal agent and is used only for that purpose, or

(ii) where the sink or other facility is used only for the washing of fish, fruit or vegetables;

(c) all sinks and other facilities and any working parts thereof used for the purposes of this regulation shall be kept clean and in efficient working order;

(d) there shall be provided and maintained for use at all such sinks and other facilities—

(i) adequate supplies of soap or other suitable detergent and of clean cloths; or

(ii) other adequate and suitable cleaning and drying facilities;

(e) there shall be provided at every stall suitable and sufficient space for the separation of unsound food pursuant to regulation 7(b) and for the disposal of waste:

Provided that nothing in this regulation shall require the provision of sinks for washing soft ice-cream freezers if—

- (i) such facilities are available at any premises from which the stall or delivery vehicle operates and
- (ii) those freezers are not dismantled while in the stall or delivery vehicle, except for purposes of cleaning at any such premises.

Lighting

19. Suitable and sufficient means of lighting shall be provided at every stall from which a food business is carried on, and every such stall shall be suitably and sufficiently lighted.

Accumulation of refuse, etc.

20. No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate at any stall or in any market on or from which a food business is carried on or on any delivery vehicle, except so far as may be unavoidable for the proper carrying on of the trade or business.

Covering of stalls

21. Every stall at or from which open food other than raw vegetables is sold or exposed for sale for human consumption shall, if not in an enclosed and covered market, be suitably covered and screened at the sides and back thereof in such a manner as to prevent any mud, dust, dirt, filth or other contaminating substance from being deposited upon any open food thereon:

Provided that this regulation shall not apply to any stall which is so designed, constructed and operated that all food therein is completely enclosed until it is taken from its enclosure to be sold or cooked for immediate consumption.

Receptacles for waste

22.—(1) Every stall from which a food business is carried on shall be provided with a sufficient number of suitably covered receptacles for waste trimmings, refuse and rubbish:

Provided that this paragraph shall not apply to any stall in respect of which contractual arrangements exist for the removal of refuse at sufficient intervals.

(2) Any such receptacles shall be constructed of impervious material maintained in good condition or shall be replaced as often as may be necessary to prevent the accumulation of obnoxious matter; and they shall be kept apart from any open food intended for sale.

(3) Every person engaged in the handling of food at or from any such stall shall place all waste trimmings, refuse and rubbish in the receptacles provided therefor.

(4) Such receptacles shall be sited in accordance with any reasonable directions given by the local authority in that behalf.

Transport of meat

23.—(1) Subject to the provisions of this regulation, the following provisions shall apply in relation to all vehicles (other than vehicles used for the transport of meat consisting solely of unskinned rabbits or hares or unplucked game or poultry) used in the course of a food business for the transport of meat which is open food—

- (a) except in the case of a closed vehicle, the vehicle shall be covered by canvas or other washable material so arranged as to enclose completely that part of the vehicle in which meat is placed and, so far as is reasonably practicable, the cover shall not be allowed to come into contact with the meat;
- (b) the floor shall be impervious or fitted with movable duckboards used in such manner as to prevent the meat or its wrappings from touching the floor of the vehicle;
- (c) any receptacle or duckboard in or on which the meat is placed and such parts of any slings, implements or other equipment used for the loading or unloading of meat as come into contact with the meat or its wrappings shall be kept clean and in such good order, repair and condition as to enable them to be thoroughly cleaned;
- (d) except as provided in paragraph (2) of this regulation, every such vehicle shall be provided with a sufficient number of suitable covered receptacles to contain separately all offal (other than skinned heads, scalded heads and offal that has not been detached from the carcase) transported in the vehicle, and these receptacles shall be constructed of impervious materials and kept clean and in such good order, repair and condition as to enable them to be thoroughly cleaned;
- (e) except as provided in paragraph (2) of this regulation, no offal (other than skinned heads, scalded heads and offal that has not been detached from the carcase) shall be transported in any such vehicle except in the separate receptacles provided therefor:

Provided that sub-paragraphs (a) and (b) of this paragraph shall not apply in relation to the transport of meat on isolated occasions in the course of the business of a carrier if the meat is adequately protected by suitable material from the risk of contamination.

(2) Nothing in this regulation shall require such separate receptacles as aforesaid to be provided or used for the transport of—

- (a) packaged or wrapped frozen offal so long as such offal remains frozen hard;
- (b) giblets of game or poultry which are carried in or attached to the carcase from which they have been removed;
- (c) uncleaned tripe, uncleaned stomachs, uncleaned intestines or uncleaned feet in a vehicle in which no other meat other than offal of these descriptions is being carried;
- (d) unskinned or unscalded heads in a vehicle in which no meat other than offal of these descriptions or uncleaned feet is being carried.

PART V

ADMINISTRATIVE PROVISIONS

Exemption of stalls and vehicles from certain requirements

24.—(1) For the purposes of this regulation—

“appropriate local authority” means any local authority within whose district the food business is carried on or the stall may be;

“covered food” means food which is not open food; and

“bread van” means any vehicle used solely for the sale, or offer or exposure for sale, or delivery of bread (wrapped or unwrapped), whether alone or together with flour confectionery or bakery goods which are covered food.

(2) Regulations 15 to 18 shall not apply in relation to any stall at which is carried on—

(a) a food business consisting wholly of the preparation and supply of roast chestnuts or hot potatoes; or

(b) a food business consisting wholly of the sale of covered food, where the person carrying on the food business has notified an appropriate local authority in writing that he is so engaged;

and regulations 15 to 18 and 22 shall not apply in relation to any vending machine.

(3) Regulation 15, 16 or 17 shall not apply in relation to any bread van or to any delivery vehicle used solely for the delivery of covered food so long as the vehicle in question operates from—

(a) any premises where facilities corresponding to those mentioned in such regulation are provided under regulation 15, 16 or 17 of the General Regulations, or

(b) any premises or place occupied by a carrier of goods for the purposes of his trade or business as such a carrier where such facilities are provided under regulation 17 or 18 of the Docks and Carriers Regulations.

(4) Regulation 18 shall not apply in relation to any bread van or delivery vehicle so long as the vehicle in question operates from—

(a) any premises where facilities are provided under regulation 19 of the General Regulations, or

(b) any premises or place occupied by a carrier of goods for the purposes of his trade or business as such a carrier where facilities are provided under regulation 17 of the Docks and Carriers Regulations.

(5) Paragraphs (a), (b), (c) and (d) of regulation 18 shall not apply in relation to any stall from which is carried on a food business consisting wholly of that of a fruiterer, wholesaler of fruit, greengrocer or wholesaler of raw vegetables, where the person carrying on the food business has notified an appropriate local authority in writing that he is so engaged.

(6) Schedule 2 shall apply for the issue by appropriate local authorities of certificates of exemption from requirements of these regulations.

(7) While a certificate of exemption is in force in relation to any stall or food business, that stall or food business shall be exempt from the provisions mentioned in the certificate in the area of the local authority who granted the certificate and in the area of any other local authority in whose district the stall may from time to time be so long as—

(a) the conditions which satisfied the first-mentioned authority obtain in that other authority's area and

(b) the certificate is not withdrawn by the first-mentioned authority under paragraph (8) of this regulation.

(8) Any certificate of exemption shall be withdrawn by the local authority who granted it if at any time they are satisfied that any corresponding facility referred to in schedule 2 is no longer readily available or that the person carrying on the food business is no longer entitled to the exemption.

(9) Any person carrying on a food business who is aggrieved by the refusal or withdrawal of a certificate of exemption may appeal to a magistrates' court and that court may make such order concerning the certificate as appears to the court, having regard to the provisions of these regulations, to be just and equitable.

(10) Section 120 of the Act (which relates to the right to carry on business while an appeal is pending) shall apply for the purposes of these regulations, with the modification that references therein to refusing or revoking a licence shall include references to refusing or withdrawing a certificate of exemption.

Offences

25.—(1) Any person who fails to comply with any provision of these regulations shall be guilty of an offence against these regulations.

(2) Without prejudice to the generality of the foregoing paragraph, a person carrying on a food business shall be guilty of an offence against these regulations if—

(a) as respects that food business, any provision of these regulations (other than the requirements imposed by regulations 8 and 11 on persons engaged in the handling of food) is contravened; or

(b) he fails to take all reasonable steps to secure the compliance by any person employed by him or under his control with the provisions of regulations 8 and 11.

(3) Any person for the time being having the control or management of persons engaged in the handling of food, not being himself a person carrying on a food business, shall be guilty of an offence against these regulations if he fails to take all reasonable steps to secure the compliance by any person under his control or management with any provision of these regulations which imposes obligations on a person engaged in the handling of food.

(4) Section 113 of the Act (which relates to a contravention due to some person other than the person charged) shall apply for the purposes of these regulations, with the modification that references therein to proceedings taken or brought under the Act shall include references to proceedings taken or brought under these regulations.

Penalties

26. Any person guilty of an offence against these regulations shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

Revocations

27. The provisions of the General Regulations specified in part I of schedule 3 are hereby revoked, and the provisions of those regulations specified in part II of that schedule shall cease to apply to any food business to which these regulations apply and to any person engaged in the handling of food in the course of such a business.

SCHEDULE 1

FOOD NOT TO BE REGARDED AS OPEN FOOD

Regulation 2(1)

(1) <i>Food</i>	(2) <i>Mode of wrapping or enclosure</i>
Butter, margarine and cooking fat	Any total enclosure of greaseproof paper or foil.
Meat, except meat which has been cooked or otherwise prepared for sale by any similar process	Any total wrapping of mutton cloth, hessian or jute.

Fish	Any total enclosure of greaseproof paper or film.
Vegetables	Any box, bag, sack, string container or pliable film pack.
Flour confectionery and bakery goods	Any total enclosure.
Ice-cream	Any total greaseproof enclosure of paper, foil, film, cardboard, carton, cup or similar wrapping.
Ice lollies	Any total greaseproof enclosure of paper, foil, film or similar wrapping, or any bag made of such materials to contain the ice lolly and which may or may not be sealed at the end from which the stick or holder protrudes.

Regulation 24(6)

SCHEDULE 2

ISSUE OF CERTIFICATES OF EXEMPTION

1. Any person, carrying on any food business from a stall in a market, who satisfies the appropriate local authority that facilities corresponding to those mentioned in regulation 15, 16, 17 or 18 are made available by any authority for that market shall be entitled to a certificate of exemption from the requirement to provide any facility so made available.

2. Without prejudice to the provisions of the last preceding paragraph, any person, carrying on any food business from a stall, who satisfies the appropriate local authority that facilities corresponding to those mentioned in regulation 15, 16, 17 or 18(a), (b), (c) or (d) are provided under the General Regulations or by a local authority and are conveniently and readily available, without payment, for the use of the persons engaged in that business, shall be entitled to a certificate of exemption from the requirement to provide any facility so made available:

Provided that—

- (a) in relation to any of the following classes of food business, namely—
 - (i) a catering business,
 - (ii) the sale of bakery goods and flour confectionery prepared at the stall,
 - (iii) the sale of fried fish and chips,
 - (iv) the sale of sugar confectionery prepared at the stall,
 - (v) the sale of ice-cream and ice lollies prepared at the stall, and
 - (vi) the sale of ice-cream which is open food,
 no exemption shall be granted under this paragraph; and
- (b) in relation to any of the following classes of food business, namely—
 - (i) a butcher or poulterer,
 - (ii) a fishmonger,
 - (iii) the sale of groceries and provisions which are open food,
 - (iv) the sale of bakery goods and flour confectionery which are open food,

(v) the sale of cooked meat and butchers' small goods, and
 (vi) the sale of sugar confectionery which is open food,
 exemption may be granted under this paragraph only from the requirement to provide a facility mentioned in regulation 18(a), (b), (c) or (d).

3. If a business falls partly within a class specified in paragraph (a) of the proviso to the last preceding paragraph and partly within a class specified in paragraph (b) thereof, it shall be deemed for purposes of that proviso to fall within paragraph (a); and if a business falls partly within a class specified in paragraph (a) or (b) and partly within a class not so specified, it shall, subject to the provisions of this paragraph, be deemed for purposes of that proviso to fall within paragraph (a) or (b), as the case may be.

SCHEDULE 3

Regulation 27

PART I

PROVISIONS OF GENERAL REGULATIONS REVOKED

(1) Regulation	(2) Subject matter
Regulation 26	General requirements as to stalls and vehicles
Regulation 27	Covering of certain stalls, and receptacles for waste
Regulation 28	Supply of water for stalls
Regulation 29	Transport of meat
Regulation 30	Persons carrying meat to wear overalls etc.

PART II

PROVISIONS OF GENERAL REGULATIONS CEASING TO APPLY WHERE THESE REGULATIONS APPLY

(1) Regulation	(2) Subject matter
Regulation 5	Food business not to be carried on at insanitary premises, etc.
Regulation 6	Cleanliness of equipment, etc.
Regulation 8	Food to be protected from risk of contamination
Regulation 9	Personal cleanliness
Regulation 10	Carrying of food and wrapping, etc., of open food
Regulation 11	Persons suffering from certain infections
Regulation 14	Sanitary conveniences
Regulation 15	Water supply to be provided
Regulation 16	Wash-hand basins to be provided

Regulation 17	First-aid materials to be provided
Regulation 19	Facilities for washing food and equipment
Regulation 20	Lighting of food rooms
Regulation 24	Accumulation of refuse, etc.
Regulation 25	Temperature at which certain foods are to be kept

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th June 1966.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

Given under the official seal of the Minister of Health on 29th June 1966.

(L.S.)

Kenneth Robinson,

Minister of Health

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations lay down requirements as to food hygiene in respect of markets, stalls and delivery vehicles. Markets and stalls are so defined (Regulation 2(1)) that the Regulations apply to any handling of or trading in food which is undertaken either (i) in any market or market premises or (ii) away from fixed premises. Delivery vehicles are defined as any vehicles used for the delivery of food: if they are used for the sale of food, they come within the definition of stall and become subject to the appropriate requirements for stalls.

These Regulations revoke or supersede corresponding requirements contained in the Food Hygiene (General) Regulations 1960, which will henceforward continue to apply to food businesses in fixed premises and ships.

The principal requirements of these Regulations relate to—

- (i) the cleanliness of stalls and delivery vehicles used in any food business and the equipment used therein;
- (ii) the hygienic handling of food;
- (iii) the cleanliness of persons engaged in the handling of food and of their clothing, and the action to be taken where they suffer from or are the carriers of certain infections liable to cause food poisoning;
- (iv) the temperatures at which certain foods particularly liable to transmit disease are to be kept at markets and stalls;
- (v) the provision of water supply and washing facilities;
- (vi) the proper disposal of waste material;
- (vii) the granting by local authorities of certificates of exemption from certain of the requirements, with a right of appeal to a magistrates' court against the refusal or withdrawal of a certificate.

The principal changes from the requirements of the Food Hygiene (General) Regulations 1960 as hitherto applicable to markets, stalls and delivery vehicles are—

- (i) before food is offered for sale it must be separated from any food which is unfit for human consumption (Regulation 7);
- (ii) any person handling any open food (i.e. food not adequately protected by wrappings, etc.) must wear clean and washable over-clothing, except in specified cases (Regulation 9);
- (iii) delivery vehicles as well as stalls must bear the owner's name and address, and both must identify the place where they are kept or garaged (Regulation 13);
- (iv) requirements as to the provision of water supply and washing facilities are extended to all food businesses (Regulations 15, 16 and 18);
- (v) the requirement that certain stalls shall be effectively covered and screened is extended to all stalls selling open food other than raw vegetables, unless the stall is designed, constructed and operated so as to protect the food until it is sold (Regulation 21);
- (vi) the requirements as to disposal of waste are extended (Regulations 18(e) and 22).



MINISTRY OF HEALTH

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8th July, 1966.

County Borough Councils
Common Council of the City of London
London Borough Councils
Borough Councils
Urban District Councils
Rural District Councils
County Councils) for information
Port Health Authorities)
(England)

Sir,

The Food Hygiene (Markets, Stalls and Delivery Vehicles)
Regulations, 1966

I am directed by the Minister of Health to enclose a copy of the above Regulations which he has made jointly with the Minister of Agriculture, Fisheries and Food under Sections 13 and 123 of the Food and Drugs Act 1955.

The Regulations apply to covered and uncovered markets, delivery vehicles, mobile shops, stalls and trading in the open air generally. They strengthen the present food hygiene requirements for these forms of trading and revoke or supersede the corresponding requirements in the Food Hygiene (General) Regulations 1960. The Regulations come into operation on 1st January, 1967 and the Food Hygiene (General) Regulations 1960 will not apply after that date to food businesses subject to the provisions of the new Regulations.

A copy of this circular and of the Regulations is being sent to the Medical Officer of Health and a copy of each is enclosed for the Public Health Inspector. Further copies may be obtained from Her Majesty's Stationery Office.

I am, Sir,

Your obedient Servant,

J. A. Hauff

The Town Clerk or
The Clerk of the Council or
The Clerk of the Port Health Authority

A/R 50/27

STATUTORY INSTRUMENTS

1966 No. 791

FOOD AND DRUGS

**The Food Hygiene (Markets, Stalls and Delivery Vehicles)
Regulations 1966**

Printed in England by McCorquodale & Co. Ltd., London
and published by
HER MAJESTY'S STATIONERY OFFICE: 1966
Price 1s. 9d. net